

DECLARATION FOR PATENT APPLICATION

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As a single named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled TOWER TOP CELLULAR COMMUNICATION DEVICES AND METHOD FOR OPERATING THE SAME,
the specification of which

(check one)
☐ is attached hereto.
☒ was filed on August 27, 2001 as
Application Serial No. 09/940,279
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
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Direct all telephone calls to William E. Nuttle at (650) 494-8700.

Address all correspondence to:

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Suite 3400, Four Embarcadero Center
San Francisco, California 94111-4187

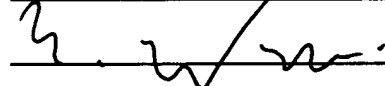
File No. A-70598/MSS/WEN

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or
first inventor:

Nicholas S. Waylett

Inventor's signature:



Date:

11-30-01

Residence:

Fremont, California

Citizenship:

United Kingdom

Mailing Address:

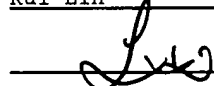
4441 Inyo Court

Fremont, California 94538

Full name of second
inventor:

Kui Lin

Inventor's signature:



Date:

11/28/2001

Residence:

Menlo Park, California

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POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR/S UNDER 37 C.F.R. §1.32
AND STATEMENT UNDER 37 C.F.R. § 3.73(b)

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To the Commissioner of Patents and Trademarks:

The undersigned assignee of the entire interest in application for letters patent submitted herewith entitled, ***TOWERTOP CELLULAR COMMUNICATION DEVICES AND METHOD FOR OPERATING THE SAME***, filed on August 27, 2001 as Serial No. 09/940,279 and having the named inventor(s):

Nicholas S. Waylett and Kui Lin

hereby appoints the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions of 37 C.F.R. 1.32: Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Michael A. Kaufman, Reg. No. 32,988; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 35,050; Robin M. Silva, Reg. No. 38,304; Maria S. Swiatek, Reg. No. 37,244; Todd A. Lorenz, Reg. No. 39,754; William E. Nuttle, Reg. No. 42,943; and Victor E. Johnson, Reg. No. 41,546; provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr Hohbach Test Albritton & Herbert LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Direct all telephone calls to William E. Nuttle at (650) 494-8700. Address all correspondence to:

**FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
Suite 3400, Four Embarcadero Center
San Francisco, California 94111-4187**

interWAVE Communications International, Ltd., a Bermuda Corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor of the patent application identified above. A copy of the executed, unrecorded assignment is attached hereto. The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

INTERWAVE COMMUNICATIONS INTERNATIONAL, LTD.

Date: Nov. 8, 2001

By: 

Type Name: ROBIN E. FOOTE

Title: GENERAL COUNSEL AND SECRETARY

c/o Codan Services, Ltd.

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